

ORDINANCE NO. 115

AN ORDINANCE AMENDING ORDINANCE NO. 108 OF THE CITY OF GLYNDON PERTAINING TO FLOOD HAZARD AND FLOOD PLAIN ZONING

BE IT ENACTED by the City Council of the City of Glyndon as follows:

Sections 1.1, 2.40, 2.5, 2.6, 8.0, and 8.2 of Ordinance No. 108 are hereby repealed and in their place and stead the following revised sections are adopted:

1.1 Statutory Authorization. The Legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and Chapter 462, delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses. The City of Glyndon has previously adopted an ordinance and amendment thereto regarding flood hazard and flood plain zoning, but new requirements compel the adoption of this new ordinance, and the City Council of the City of Glyndon does hereby revoke prior Ordinance No. 81-1 and all amendments thereto, upon the effective date of the adoption of this Ordinance, which is adopted in its place and stead. Therefore, the Council of the City of Glyndon, Minnesota, does ordain as follows:

2.40 Interpretation. The boundaries of the zoning districts shall be determined by scaling distances on the Official Zoning Map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Zoning Map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions and there is a formal appeal of the decision of the Zoning Administrator, the Board of Adjustment shall make the necessary interpretation. All decisions will be based on elevations on the regional (100-year) flood profile and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the Board and to submit technical evidence.

2.5 Compliance. This section is readopted within Section 3.2 of Ordinance No. 108.

2.6 Definitions. Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application.

Accessory Use or Structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Basement - means any area of a structure, including crawl spaces, having its floor or base sub-grade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

Flood Fringe - that portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for Glyndon, Minnesota.

Flood Plain - the areas adjoining a watercourse, including the beds proper, which have been or hereafter may be covered by the regional flood.

Flood Proofing - a combination of structural provisions, changes or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

Floodway - the channel of the watercourse and those portions of the adjoining flood plain which are reasonably required to carry and discharge the regional flood.

Regional Flood - a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in magnitude of the 100-year recurrence interval, Regional Flood is synonymous with the term "base flood" used in the Flood Insurance Study.

Structure - anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, detached garages, cabins, mobile homes, travel trailers, recreational vehicles, manufactured homes, not meeting the exemption criteria specified in Section 9.31 of the Ordinance and other similar items.

Conditional Use - means a specific type of structure or land use listed in the official control that may be allowed by only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a find that: (1) certain conditions as detailed in the zoning ordinance exist and (2) the structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.

Equal Degree of Encroachment - a method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

Flood - a temporary increase in the flow or stage of a

stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

Flood Frequency - the frequency for which it is expected that a specific flood stage or discharge may be equalled or exceeded.

Obstruction - any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood plain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

Principal Use or Structure - means all uses or structures that are not accessory uses or structures.

Reach - a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

Regulatory Flood Protection Elevation - the regulatory flood protection elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

Variance - means a modification of a specific permitted development standard required in an official control including this Ordinance to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty or unique circumstance as defined and elaborated upon in a community's respective planning and zoning enabling legislation.

8.0 ADMINISTRATION: A Zoning Administrator, or other official, designated by the City Council shall administer and enforce this Ordinance. If the Zoning Administrator finds a violation of the provisions of this Ordinance, the Zoning Administrator shall notify the person responsible for such violation in accordance with the procedures stated in Section 12.0 of this Ordinance.

8.2 Board of Adjustment. A Board of Adjustment is hereby established and shall consist of all members of the City Council.

8.21 Rules: The Board of Adjustment shall adopt rules for the conduct of business and may exercise all of the powers conferred on such boards by state law.

8.22 Administrative Review. The Board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this Ordinance.

8.23 Variances. The Board may authorize, upon appeal, variances from the provisions of this Ordinance as long as they will not be contrary to the public interest, and if the spirit of the Ordinance will be observed. Variances may only be granted where due to special conditions, literal enforcement of the provisions of the ordinance will result in unnecessary hardship. In the granting of such variance, the Board of Adjustment shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in the respective enabling legislation which justified the granting of the variance. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area, or permit standards lower than those required by State law.

8.24 Hearings. The Board of Adjustment shall fix a reasonable time for a hearing and give notice to all interested parties. The Board shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed variances sufficiently in advance so that the Commissioner will receive at least ten days notice of the hearing. A copy of all decisions granting variances shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.

8.25 Decisions. The Board shall arrive at a decision on such appeal or variance within 30 days. In passing upon an appeal, the Board may, so long as such action is in conformity with the provisions of this Ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination of the Zoning Administrator or other public official. It shall make its decision in writing setting forth the findings of fact and the reasons for its decisions. In granting a variance, the board may prescribe appropriate conditions and safeguards such as those specified in Section 8.36, which are in conformity with the purposes of this Ordinance. Violations of such conditions and safeguards,

when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance punishable under Section 12.0. A copy of all decisions granting variances shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.

8.26 Appeals. Appeals from any decision of the Board may be made, and as specified in this Community's Official Controls and also Minnesota Statutes.

8.27 Flood Insurance Notice and Record Keeping. The Zoning Administrator shall notify the applicant for a variance that:

(a) The issue of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 or \$100 of insurance coverage; and

(b) Such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. A community shall maintain a record of all variance actions including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program.

This ordinance shall be effective following its first publication.

Dated this 25 day of August, 1992.

CITY OF GLYNDON

By: John M. Butze
John Butze, Its Mayor

ATTEST:

Dennis Johnson
Dennis Johnson, Its City Clerk

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